

YEAS—Senators Allison, Ball, Bradshaw, Camp, Dwyer, Erath, Friend, Hobby, Joseph, Ledbetter, Stirman, Trolinger and Westfall—12.

NAYS—Senators Baker, Burton, Culberson, Morris, Moore, Parker and Wood—7.

No quorum voting.

On motion of Senator Bradshaw, the Senate adjourned.

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SEVENTIETH DAY.

SENATE CHAMBER, }  
Austin, April 7, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

The President appointed Senator Camp on the Committee on Counties and County Boundaries, to fill the vacancy caused therein by the absence of Senator Flanagan.

Senator Stirman presented a petition from citizens of a portion of Collin county, "asking that they be attached to the county of Rockwall." Read and referred to committee on Counties and County Boundaries.

Senator Baker presented a petition from ladies of Houston, "asking that the Legislature pass a law to check the fearful evils of intemperance;" also introduced a bill, entitled, "An Act to regulate the sale of intoxicating liquors, and to prohibit the sale thereof in certain cases, and to provide penalties for the enforcement of the same." Petition and bill read and referred to Committee on State Affairs.

A message was received from the House announcing that the House had passed Senate substitute for House bill No. 6, "An Act to ascertain the amount due the teachers of the public free schools of this State, for service rendered prior to the first day of January, 1873, and to provide for the payment of the same," with amendments by the House.

Senator Culberson for Committee on Judiciary, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

The Committee on Judiciary, to whom was referred House bill No, 409, "An Act to provide for the appointment of

sheriffs *pro tem.*, in certain cases, and prescribing the manner of qualification and the duties of such officers," ask leave to return the same and recommend its passage.

Respectfully,

CULBERSON, for Committee.

*Hon. R. B. Hubbard, President of the Senate :*

The Committee on Judiciary, to whom was referred Senate bill No. 355, "An Act to supplement an act regulating proceedings in district courts," approved May 13, 1846, ask leave to return the same and recommend that it do not pass.

CULBERSON, for Committee.

*Hon. R. B. Hubbard, President of the Senate :*

The Committee on Judiciary, to whom was referred House bill No. 395, "An Act to validate sale of town lots in Decatur, in Wise county, ask leave to return the same and recommend its passage.

CULBERSON, for Committee.

*Hon. R. B. Hubbard, President of the Senate :*

The Committee on Judiciary, to whom was referred House bill No. 436, "An Act to amend section one (1) of an act to amend the thirty-fourth and thirty-sixth sections of an act prescribing the times of holding the district courts of the several judicial districts in the State," ask leave to return the same and recommend its passage.

CULBERSON, for Committee.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Judiciary, to whom was referred Senate bill No. 334, "An Act to further regulate continuance in criminal causes," have had the same under consideration, and instruct me to report the same, with the recommendation that it do pass with the following amendment: in line twelve, after the word "court" insert the words "based upon the affidavit of the party, that he has retained the services of such counsel before his election as a member of the Legislature."

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Judiciary, to whom was referred House bill No. 391, "An Act to regulate the election of aldermen in incorporated cities in this State," ask leave to return the same with the following amendment: "Add to

section one the words, '*Provided*, that the operations of this act shall not be restricted to cities with a population of less than five thousand inhabitants,' and recommend its passage as amended.

CULBERSON, for Committee.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Judiciary, to whom was referred Senate bill No. 357, "An Act to repeal an act defining a further cause of continuance in civil cases," approved April 29, 1873, ask leave to return the same and recommend that it do not pass.

CULBERSON, for Committee.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Judiciary, to whom was referred Senate bill No. 350, "An Act to amend the twenty-eighth section of 'an act prescribing the times of holding the district courts,'" approved August 10, 1870, ask leave to return the same and recommend its passage.

CULBERSON, for Committee.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Judiciary, to whom was referred Senate bill No. 306, "An Act to define the powers and duties of sheriffs and constables," ask leave to return the same, with the accompanying substitute, and recommend the passage of said substitute.

CULBERSON, for Committee.

The title of the substitute referred to is, "An Act better defining the powers and duties of sheriffs." Read first time and referred to Judiciary Committee.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Judiciary, to whom was referred House bill No. 185, "An Act to amend sections two, four, six, twelve and fifteen of "An Act to organize courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, A. D. 1870, ask leave to return the same and recommend that it do not pass.

CULBERSON, for Committee.

Senator Culberson, chairman Committee on Internal Improvements, submitted the following reports :

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Internal Improvements, to whom was referred Senate bill No. 82, "An Act to encourage the importation of agricultural implements," ask leave to return the same and recommend that it do not pass.

CULBERSON, Chairman.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Internal Improvements, to whom was referred House bill No. 70, "An Act to repeal an act to authorize counties, cities and towns to aid in the construction of railroads," ask leave to return the same and recommend its passage.

CULBERSON, Chairman.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Internal Improvements, to whom was referred Senate bill No. 329, "An Act to amend an act to incorporate the Lavaca County Railroad Company," passed May 3, 1873, ask leave to return the same and recommend its passage.

CULBERSON, Chairman.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Internal Improvements have had under consideration a memorial of certain citizens of Bell county, "asking the grant by the Legislature of a charter for the construction of a railroad from Hearne to Belton, in Bell county, and thence to some point on the Texas Pacific Railroad," and I am instructed by the committee to report the accompanying bill, the same being "An Act to incorporate the Hearne, Belton and Northwestern Railroad Company, and aid in the construction of the same by granting lands thereto," and recommend its passage.

Respectfully,

CULBERSON, Chairman.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Internal Improvements, to whom was referred House bill No. 154, "An Act to organize and incorporate the Marshall, Texas, and Mansfield Louisiana Railroad Company," ask leave to return the same and recommend its passage.

CULBERSON, Chairman.

Senator Friend, for Committee on Engrossed Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined Senate substitute for House bill No. 403, "An Act to re-organize the Fourth Judicial District of the State of Texas, and to provide for the holding of the courts therein," and find the same correctly engrossed.

FRIEND, for Committee.

On motion of Senator Dwyer, Senator Shepard was excused until to-morrow.

Senator Moore introduced a bill, entitled "An Act regulating taxation." Read first time, and, on motion of Senator Wood, one hundred copies were ordered printed for the use of the Senate.

Senator Ellis introduced a bill, entitled "An Act to validate the official acts of J. J. W. Moodley, as Notary Public of Lavaca county, Texas." Read first time and referred to Judiciary Committee.

Senator Dillard introduced a bill, entitled "An Act authorizing the Governor to postpone special elections for Senators and Representatives in certain cases." Read first time and ordered to lie on the table.

Senator Stirman introduced a bill, entitled "An Act to enlarge the county of Rockwall." Read first time and referred to Committee on Counties and County Boundaries.

Report from Special Committee:

*Hon. R. B. Hubbard, President of the Senate:*

Your Special Committee, to whom was referred Senate joint resolution No. 255, "awarding Winchester rifles to certain persons," ask leave to return the same, with the accompanying substitute, and recommend the passage of said substitute.

WESTFALL, Chairman.

The title of the substitute referred to is, "Joint Resolution awarding improved Winchester rifles, or other breech-loading guns to certain parties."

The substitute was read first time, and, on motion of Senator Westfall, was adopted in lieu of the original.

On motion of Senator Westfall, the rules were suspended, substitute read second time and ordered engrossed.

The rules were further suspended, substitute read third time and passed by the following vote :

YEAS—Senators Allison, Ball, Baker, Bradshaw, Camp, Culberson, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Russell, Stirman, Swift, Trolinger, Westfall and Wood—22.

NAYS—Senators Burton, Moore and Parker—3.

On motion of Senator Wood, the rules were suspended to take up Senate bill No. 353, "An Act to regulate the fees of certain officers, in criminal cases, and to provide for paying same."

Bill taken up and, on motion of Senator Wood, was referred to Judiciary Committee.

The unfinished business being the consideration of House bill No. 382, "An Act to provide for payment of Lieutenant J. M. Elkins' company of minute men, organized in Coleman county," it was taken up, read third time and passed by the following vote :

YEAS—Senators Allison, Ball, Bradshaw, Camp, Culberson, Davenport, Dillard, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Russell, Stirman, Trolinger and Westfall—18.

NAYS—Senators Baker, Moore, Parker, Swift and Wood—5.

Senator Russell introduced the following concurrent resolution :

*Resolved*, That the hearing on the address against S. B. Newcomb, Judge of the Twenty-fifth Judicial District, be set for Friday next at 9 A. M. Adopted.

By leave, Senator Ireland introduced a joint resolution, "Empowering the Governor to employ counsel to prosecute certain persons, and to make an appropriation to defray the expenses in said prosecution." Read first time.

On motion of Senator Ireland, the rules were suspended and resolution read second time.

Senator Culberson offered the following amendment : after the word "State" insert the words "if he shall deem such employment necessary." Adopted.

The joint resolution, as amended, was then ordered engrossed.

On motion of Senator Ireland, the rules were suspended, and resolution read third time.

Senator Culberson moved to strike out the word

"certain" in the caption, and insert the word "any." Adopted.

The resolution, as thus amended, was passed by the following vote:

YEAS—Senators Baker, Bradshaw, Camp, Culberson, Davenport, Dillard, Ellis, Erath, Friend, Ireland, Joseph, Moore, Parker, Russell, Swift and Westfall—16.

NAYS—Senators Allison, Ball, Burton, Hobby, Stirman, Trolinger and Wood—7.

A message was received from the House, announcing that the House had concurred in Senate amendments to House bill No. 89, "An Act to adjust and define the western boundary line of San Jacinto county;" also, the passage of Senate substitute for House bill No. 403, "An Act to reorganize the Fourth Judicial District of the State of Texas, and to provide for the holding of the courts therein."

The hour having arrived for the consideration of the special order, to-wit: House bill No. 252, "An Act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, including the Santa Fe and Mier prisoners, the survivors of the company of Captain Dawson, who was massacred near San Antonio, in the year 1842; the survivors of those who were captured at the city of San Antonio, in the fall of the year 1842, and taken to the castle of Perote and confined therein, and the survivors of Deaf Smith's Spy Company; and to provide for the liquidation and settlement of all arrearages due said veterans under an act of 13th of August, 1870, previous to the first of July, 1874," the bill was taken up and read first time.

On motion of Senator Westfall, the rules were suspended, and bill read second time.

Senator Wood moved that the bill be read by sections. Adopted.

Senator Ireland moved that the bill be referred to a select committee. Lost.

On motion of Senator Ellis, the further consideration of the bill was postponed until Thursday, April 9, at 11 A. M.

Senator Ireland moved to amend the motion of Senator Ellis, by adding, "and that it be referred to a special committee of five, with Senator Erath as chairman of the committee." The motion, as amended, was then adopted.

The President appointed Senators Erath, Ireland, Dillard, Ball and Wood, as said committee.

On motion of Senator Westfall, the rules were suspended, to take up Senate Joint Resolution, No. 331, "To print laws of the Thirteenth Legislature in the Spanish and German languages." Resolution taken up and read second time.

On motion of Senator Ellis, the Joint Resolution was referred to Committee on Public Printing.

Senator Dillard moved that the rules be suspended, to take up Senate bill No. 361, "An Act to authorize the Governor to postpone election for Senators and Representatives, in certain cases."

Rules suspended, bill taken up, read second time, and ordered engrossed.

On motion of Senator Dillard, the rules were further suspended, bill read third time and passed.

House bill No. 266, "An Act supplemental to 'An Act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,' approved April 12, 1871, with Senate amendments thereto, in which the House refused to concur, was taken up.

On motion of Senator Ireland, the Senate adhered to its amendments.

On motion of Senator Russell, the rules were suspended, to take up Senate bill No. 328, "An act to amend 'An Act prescribing the times of holding district courts,' approved August 10, 1870; approved April 17, 1871, and June 4, 1872. Bill taken up, read second time and ordered engrossed.

On motion of Senator Russell, the rules were further suspended, bill read third time and passed.

On motion of Senator Camp, the rules were suspended, to take up House bill No. 409, "An act to provide for the appointment of sheriffs *pro tem.* in certain cases, and prescribing the manner of qualification and the duties of such officers." The bill was taken up, read second time and passed to third reading. The rules were further suspended, bill read third time and passed.

On motion of Senator Culberson, all the House bills on the President's desk were taken up, read and referred to the appropriate committees.

Under the above motion, the following bills were taken up and so referred :



House bill No. 408, "An act relating to sheriff's bonds," was read first time and referred to Judiciary Committee.

House bill No. 259, "An act to appoint trustees to take charge of property bequeathed to the State of Texas for certain purposes, by Oscar L. Holmes, and to carry into effect said bequest," was read first time and referred to Judiciary Committee.

House bill No. 396, "An act to repeal section three hundred and fifty-three of 'An act prescribing the mode of proceedings in the district courts in matters of probate,'" passed August 15, 1870, was read first time and referred to Judiciary Committee.

House bill No. 330, "An act to amend an act approved eleventh of January, 1862, entitled 'An act to amend an act prescribing the mode of establishing the liabilities of drawers and indorsers of bills of exchange and promissory notes,'" approved twentieth of March, 1848, was read first time and referred to Judiciary Committee.

House bill No. 383, "An act to amend an act entitled an act to authorize the county court of Comanche county to issue bonds in the name of said county, for the purpose of erecting public buildings, and to fund the present indebtedness of said county," was read first time and referred to Committee on State Affairs.

House bill No. 14, "An act to authorize the county court of Panola county to levy and collect a special tax for the payment of the indebtedness of said county," together with the report of the committee that said bill do not pass, was taken up.

The report of the committee was adopted, and the bill was therefore lost.

Senator Culberson moved to adjourn. Lost.

House bill No. 27, "An act to amend an act entitled 'An act to adopt and establish a penal code for the State of Texas,'" approved August 26, 1856, was read second time and passed to third reading. The Senate then refused to pass the bill by the following vote:

YEAS—Senators Ball, Ellis, Friend and Joseph—4.

NAYS—Senators Allison, Baker, Bradshaw, Burton, Camp, Culberson, Davenport, Dwyer, Hobby, Ledbetter, Moore, Parker, Randle, Russell, Stirman, Swift, Trolinger, Westfall and Wood—19.

Senator Westfall, for Committee on Enrolled Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Enrolled Bills ask leave to report that they have carefully compared the following Senate bills, to-wit :

Senate bill No. 64, "An Act mendatory of an act supplemental to 'An Act authorizing the disposition and sale of the University lands,' " approved August 30, 1856 ; approved November 12, 1866.

Senate bill No. 138, "An Act to provide for the re-payment to James J. Gathings, of Hill county, money illegally extorted from him by the State police," and Senate bill No. 33, "An Act to authorize a change of venue in civil cases," and find the same correctly enrolled, and have this seventh day of April, 1874, at 9:40 A. M., presented the same to the Governor for his approval.

WESTFALL, for Committee.

House bill No. 32, "An Act authorizing clerks of the district court and justices of the peace to issue warrants of garnishment in certain cases," was read third time and passed.

The following message was received from his Excellency the Governor :

EXECUTIVE OFFICE, STATE OF TEXAS, }  
Austin, April 7, 1874. }

*Hon. R. B. Hubbard, President of the Senate :*

SIR—I have the honor to transmit herewith a copy of the captions of all bills and joint resolutions, passed by the Legislature and approved by the Executive since March 30, 1874.

Very respectfully,

RICHARD COKE, Governor.

Senate bill No. 80, "An Act to prevent speculation by officers or ex-officers and agents in county, city and town contracts and liabilities." Approved March 30, 1874.

House bill No. 421, "An Act fixing the time for holding the district courts in the Twenty-second Judicial District." Approved April 2, 1874.

House bill No. 187, "An Act to make an appropriation to complete the buildings of the Agricultural and Mechanical College of Texas." Approved April 2, 1874.

House bill No. 315, "An Act to regulate proceedings in the Supreme Court." Approved April 2, 1874.

Senate bill No. 56, "An Act to regulate the collection of accounts." Approved April 2, 1874.

Senate bill No. 332, "An Act to further regulate proceedings in the Supreme Court." Approved April 3, 1874.

Senate bill, No. 323, "An act to regulate the right of suffrage in the incorporated towns and cities of the State of Texas." Approved April 3, 1874.

House Joint Resolution No. 33, "Joint Resolution, that a joint committee be appointed, whose duty it shall be to investigate all cases of bribery, fraud, or corruption which may have accrued since the year 1868. Approved April 3, 1874.

House joint resolution No. 21, "Joint Resolution making the appropriation for printing reports of departments." Approved April 4, 1874.

House bill No. 140, "An Act to punish the taking and destruction of certain products of the farm, garden, vineyard and orchards of this State," Approved April 4, 1874.

House joint resolution No. 22, "Joint Resolution authorizing the Governor to settle the claim of George W. Paschal." Approved April 4, 1874.

House bill No. 351, "An Act to amend the fourth section of an act entitled 'an act to amend and supplemental to an act to provide for the incorporation of towns and cities,' approved May 26, 1873." Approved April 4, 1874.

Senate bill No. 30, "An Act concerning rents and advances." Approved April 4, 1874.

Senate Bill No. 59, "An Act to authorize and allow the several county courts in this State to build courthouses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same." Approved April 6, 1874.

House bill No. 430, "An Act supplemental to an act entitled 'an act to authorize and allow the several county courts in this State to build courthouses and jails and make repairs and improvements for the benefit of the county, and to provide funds to defray the expenses of the same,' passed at the present session of the Legislature." Approved April 6, 1874.

House bill No. 205, "An Act to protect fish in the inland streams and waters of the State of Texas during spawning season." Approved April 6, 1874.

Senate bill No. 344, "An Act to authorize the Judge of the Sixth Judicial District to hold a special term of the

district court of Harrison county." Approved April 6, 1874.

Senate bill No. 54, "An Act to repeal an act entitled 'an act to regulate the sale of lands under the decrees of courts,' " approved the thirteenth day of August, 1870, and an act entitled 'an act to repeal the third section and amend the second section of an act entitled an act to regulate the sale of lands under the decrees of courts, approved the thirteenth day of August, 1870,' passed the eighth of May, 1871." Approved April 6, 1874.

Senate bill No. 17, "An Act making an appropriation to defray the contingent expenses of the first session of the Fourteenth Legislature of the State of Texas." Approved April 6, 1874.

Senate bill No. 120, "An Act to create and provide for the organization of the county of Camp." Approved April 6, 1874.

On motion of Senator Friend, the Senate adjourned.

#### SEVENTY-FIRST DAY.

SENATE CHAMBER, }  
Austin, April 8, 1874. }

Senate met pursuant to adjournment.

Roll called ; quorum present.

Prayer by the chaplain.

On motion of Senator Ireland, the reading of the journal of yesterday was dispensed with.

Senator Shepard presented a memorial of citizens of Washington county asking prohibition of sale of liquor by retail. Read and referred to Committee on State Affairs.

Senator Shepard presented a memorial of certain citizens of Washington county, asking relief of druggists from license tax for sale of liquor. Read and referred to Committee on Finance.

Senator Dillard presented the memorial of citizens of Caddo and DeSoto Parishes, of Louisiana, asking that they be attached to the State of Texas.

On motion of Senator Dillard, the memorial was referred to a select committee of five.